

SANCTUARY ADVISORY COUNCIL

Thursday, May 18, 2000
10:00 a.m. - 3:00 p.m.
Honolulu International Airport
Interisland Terminal Conference Rooms, 7th Floor

Meeting Minutes

Attendance

SAC Members Present: Ron Bass, Sallie Beavers, Hannah Bernard, James Coon, Margaret Dupree, Bill Friedl, Walter Haas, June Harrigan Lum, Greg Kaufman, Cindy Knapman (for Bob Schroeder), Bill Lennan, Craig MacDonald, Patty Miller, Paul Nachtigall, Dick Poirier, Glenn Soma, Mike Stanton, Claud Sutcliffe, Mike Tosatto, Jeff Walters.

SAC Alternates Present: Paul Achitoff, Carl Berg, Linda Bruckner.

Excused: Lou Herman, James Keli'ipio Mawae, Charles Maxwell.

Absent: Louis Agard, Terry White.

Others Present:

NOAA: Kellie Araki, Chris Brammer, Naomi McIntosh, Liz Moore, Jean Souza, Allen Tom.

Distributed Materials

- Meeting Agenda
- SAC Final Meeting Minutes (3/1/00)
- SAC Funding Resolution for the HIIWNMS
- Correspondence from DLNR, OHA and NAPA
- Monterey Bay NMS SAC Information
- Sanctuary Watch Newsletter
- Management Plan Review Process Outline
- Sanctuary Vessel Cost Comparison Table
- Conservation Committee Report
- Kilauea Point National Wildlife Refuge Information

Welcoming Remarks

SAC Chair Hannah Bernard called the meeting to order at 10:10 a.m. Ms. Bernard called for the approval of meeting minutes from March 1, 2000. Bill Lennan requested that he be added to the previous meeting's attendance list. In addition, it was noted that the discussion on the proposed funding resolution was not identified

in the minutes. This discussion focused on drafting a resolution to support the reauthorization of the National Marine Sanctuaries Act and an increase in funding for the Hawaii Sanctuary program. Final resolution reads as follows:

**RESOLUTION SUPPORTING THE REAUTHORIZATION OF
THE NATIONAL MARINE SANCTUARIES ACT AND AN
INCREASE IN FUNDING FOR THE HAWAIIAN ISLANDS
HUMPBACK WHALE NATIONAL MARINE SANCTUARY**

WHEREAS, in 1992 the National Oceanic and Atmospheric Administration (NOAA) created the Hawaiian Islands Humpback Whale National Marine Sanctuary (Sanctuary) which is dedicated solely to the protection of the humpback whale and its habitat; and

WHEREAS, the waters of the Sanctuary are the only known areas in the United States where the humpback whale comes to breed and calve; and

WHEREAS, the Hawaii Sanctuary, which encompasses over 1600 square nautical miles adjacent to all the main Hawaiian Islands, is one of the larger marine Sanctuaries in the national system; and

WHEREAS, the Governor and congressional staffs of Hawaii have long supported the Sanctuary through the designation process and its approval in state waters, and continue to demonstrate an on-going and strong interest in Sanctuary activities via site visits and staff briefings; and

WHEREAS, the Hawaii Sanctuary Advisory Council (SAC), comprised of twenty-five, ex-officio volunteer positions from around the State, was created to provide advice and recommendations to the Sanctuary Manager on operations, issues, and potential sanctuary projects; and

WHEREAS, the members of the SAC reflect the various communities of Hawaii, including one member from each island county as well as researchers, educators, Native Hawaiian, ocean recreation and fishing representatives; and

WHEREAS, while the SAC commends NOAA for providing the Hawaii sanctuary with a budget of \$800,000 for its first year of operation, a “start-up” budget of at least \$1.5 million is needed for the Sanctuary to fulfill its mandate of protection, education and research; and

WHEREAS, because Hawaii is an island state, the Sanctuary pays at least \$20,000 a year for SAC travel and meetings on various islands in order to provide all island communities the opportunity to participate in SAC deliberation; and

WHEREAS, the SAC has determined that the Hawaii Sanctuary operating budget is woefully inadequate to carry out the research, education, and resource protection functions outlined in the Sanctuary first-year work program; and

WHEREAS, while the current Sanctuary budget allows for limited goals of education and research to be accomplished, a list of priority projects

outlined in the management plan—dealing with additional research and education needs, site renovation/office space, publications and outreach, on-going operations, and optimum SAC support and staffing—continue to go unfunded; and

WHEREAS, recent Congressional appropriation increases to the National Marine Sanctuary Program in the amount of \$16 million have resulted in a NOAA allocation to Hawaii of less than \$300,000 as compared to allocations nearly doubling the Florida and California sanctuary budgets in the millions of dollars; now therefore

BE IT RESOLVED that the Hawaii SAC recommends the passage of the Sanctuary Reauthorization Act of 2000 and supports the proposed \$29 million budget of the National Marine Sanctuary Program in FY 2000; and

BE IT FURTHER RESOLVED that the Hawaii SAC implores NOAA to allocate no less than \$2.4 million in annual operating funds to enable the Sanctuary to move beyond the “start-up” mode to more mature and comprehensive research, monitoring and education programs; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the President and Vice President of the United States, the Governor of the State of Hawaii, the Secretary of Commerce, the NOAA Secretary for Oceans and Atmosphere, and the Hawaii Congressional Delegation.

ADOPTED unanimously by the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council at its regular meeting of March 1, 2000.

Upon addition of this information, minutes were approved as amended.

SAC Chair Report

Ms. Bernard remarked that a number of members had voiced concerns regarding the SAC officer elections conducted at the last meeting because a tally of votes was not kept on record. The issue was put on the table for discussion. A motion was made to accept the elections as held. Motion carried.

National Marine Fisheries Service Report

Margaret Dupree updated the group on a recent humpback whale stranding on the Big Island. According to Ms. Dupree, the animal was 25-30 feet and could not be necropsied due to its condition. The animal was buried on site but questions have arisen regarding whether the bones can be collected later for reconstruction as the carcass may suffer from bulldozer damage. A second whale stranding also occurred on Kaho`olawe. In this incident, the carcass broke into two parts and NMFS is still looking into ways of dealing with this. Unfortunately, biologists were not able to get good information on this animal.

NMFS will be doing an announcement for proposed rule-making on dolphin approach regulations, which may be ready by this fall. She indicated that the rule-making process is

open for all public comment, including SAC members. Interested individuals should contact Kellie Araki at the O`ahu Sanctuary office for copies when they become available.

The SAC inquired about Native Hawaiian issues regarding whale strandings and specimen collections. Ms. Dupree responded that under the Endangered Species Act, parts of endangered and threatened species are not allowed for use by any group, except for scientific study and educational institutions. She remarked that NMFS currently retains a list of parts and pieces and loans them out for these purposes only. She noted, however, that NMFS has been getting special requests for the use of parts (specifically, non-endangered/threatened marine mammal parts) and they are looking into how they can apply the law to Native Hawaiian requests.

The SAC asked about any current monk seal issues. Ms. Dupree responded that a seal was recently found with a recreational fishing hook in its mouth. The prognosis is good and the animal is expected to recover fully.

Sanctuary Manager Report

Sanctuary Manager Allen Tom announced that Patty Miller, SAC Education Committee Chair, recently received NOAA's Environmental Hero award for her tireless educational efforts during the Sustainable Seas Expedition mission in January 2000.

Mr. Tom went over some housekeeping items and notified the group that the next SAC meeting is scheduled for Thursday, September 6, 2000 (*note: Honolulu airport meeting facilities are no longer available on Wednesdays due to maintenance. All Honolulu SAC meetings will therefore be changed to Thursdays*).

Mr. Tom will be going on his detail to Washington, DC on September 3, 2000 and will return in September 2001. Naomi McIntosh, O`ahu Liaison and Sanctuary Operations Manager will be taking over in his absence starting June 3.

Mr. Tom reminded the SAC that nine of the fifteen non-governmental seats expire in July 2000. SAC applications will be provided to interested individuals and he encouraged the SAC to participate in the process as well. Deadline to receive applications is Friday, June 30, 2000. With regard to the selection process, a SAC subcommittee will be formed to review all applications and provide input and recommendations. Applications will then be shared with Jeff Walters who will review them on behalf of the state. Final recommendations will be sent to Acting Chief Dan Basta in Washington DC for approval. Mr. Tom stressed the importance of finding qualified candidates and announced that an ad might be placed in paper should the Sanctuary receive a poor initial turnout.

The upcoming international marine debris conference has been a major focus of the Sanctuary program within the last several months. The conference is scheduled for August 6 – 11, 2000 at the Honolulu Convention Center. Naomi McIntosh noted that the conference committee's current focus has been to work on the pre-conference document and establish content. Noted speakers include Senator Inouye, Senator Akaka, Representative Abercrombie, and James Baker. She indicated that the committee is looking to have conference participants sign a resolution to work together on marine debris issues. She also announced that poster and exhibitor opportunities are available for those interested.

Hannah Bernard asked if the Sanctuary could assist SAC members in attending the conference – possibly through a reduced fee. Ms. McIntosh remarked that this might be possible but will leave it to the executive committee to discuss. Greg Kaufman commented that this conference is long overdue and will be a good opportunity for Hawai'i's marine education to be showcased. He encouraged the SAC to send a resolution to the Sanctuary manager requesting that local exhibitors be allowed to set up displays free of charge. Again, Ms. McIntosh stated that this is a matter for the executive committee. The executive committee list was requested and Ms. McIntosh indicated that she would provide it to the SAC.

State Co-Manager Report

Jeff Walters reviewed his latest activities on behalf of the state and the Sanctuary. He assisted in the development of the proposed draft research plan, which was discussed at the SAC Research Committee meeting. He noted that he is still proposing the acquisition of a Sanctuary boat and is hoping to get a free one from NOAA. He also announced that KGMB TV aired a half-hour special on whales in April, during which the Sanctuary was able to run public service announcement. Liza Simon has been busy doing media placements in local publications.

With regard to the boat, Mr. Kaufman noted that at the last meeting he moved that the boat issue be referred to committee but has not heard anything about the issue since. Based on this, he stated that it seems premature to be shopping for boats at this time. Dr. Walters reminded him that the SAC serves as an *advisory* group. As such, he indicated that the Sanctuary needs to move forward and stated that he has directives from the state office to do so.

Dr. Walters announced that the state conducted meetings on May 9 regarding scientific collecting permits. He indicated that he does not see any major changes to the process, but there will be some minor ones. His other state activities include serving as Acting Chair of the WESPAC Coral Reef Ecosystem Team, catching up with bookkeeping, participating in a two-day staff meeting with the Sanctuary staff on improving activity coordination, and working on a document with Mr. Tom to implement and coordinate the upcoming management plan review.

Tim Johns, Director of DLNR, has appointed Athline Clark as DLNR's new voting member on the SAC. Dr. Walters acknowledged that although Ms. Clark will now sit on the SAC he will continue to attend meetings.

Research Chair Report

Paul Nachtigall announced that Bill Friedl and Jeff Walters were the key members of a special working group assigned to write a research plan. This plan is currently being reviewed by the Research Committee; further work is needed before it can be presented to the SAC.

Education Chair Report

Patty Miller informed the SAC that her group has been working to develop a strategic education plan, similar to the research plan. She is in the process of pulling ideas from the

list of education priorities identified by the Education Committee last year but stressed that they need additional creative input. Ms. Miller hopes that a more concrete plan will be ready by the next SAC meeting in September.

On another note, the Sanctuary's website is moving along. NOAA's Special Project Office in Washington DC will be offering the technical support to develop this and the Education Committee will work with the Sanctuary staff to identify content ideas. Ms. Miller indicated that the poster is also under development. Ideas will be presented to the SAC prior to it going out for a Request for Proposals (RFP). Mr. Kaufman recommended that RFPs not be sent out before a formal format for proposals is established and the strategic research and education plans are developed. He suggested that collaborative meetings between the two committees be held to develop this.

Conservation Chair Report

Walter Haas distributed a Conservation Committee report on behalf of Conservation Chair Lou Herman. The report discussed the CO2 ocean sequestration experiment that was presented at the last SAC meeting and identified the committee's concerns surrounding the project. Mr. Kaufman expressed concern that the Conservation Committee was not apprised of the report prior to the meeting and had no input in its review and development. He stated that such actions set a dangerous precedent and moved that the report be sent back for committee consultation and approval. Motion carried.

Honolulu County Report:

Bill Friedl reported on some of the Sanctuary activities taking place on O`ahu. The annual Careers on the Water program for Farrington High School marine science students was held in March and the International Marine Debris Conference is scheduled for August. Mr. Friedl noted that he has been busy assisting with the development of the research plan and intends to help with the management plan review activities.

Kaua`i County Report

Dr. Haas announced that the Kaua`i Family Ocean Fair was held on March 25, 2000 at the Kilauea Point National Wildlife Refuge. Over 3,000 people attended this event which offered entertainment, children's activities, presentations and lectures. The first whale count on Kaua`i was also held that morning off of Crater Hill. Other Sanctuary activities on Kaua`i include looking for office sites and waiting for lease bids to come back.

Hawai`i County Report

According to Sallie Beavers, the West Hawai`i Fishing Council has been looking at gill netting issues. She will update the SAC as she learns more about the issues. Ms. Beavers also mentioned the Sanctuary Whale Day held at the Kona Aquatics Center on behalf of the Big Island Sanctuary Ocean Count volunteers. Lastly, she noted that several researchers on the island have expressed interest in making the lines of communication tighter for stranding incidents.

Maui County Report

Ms. Bernard announced that she recently gave a presentation at the Sanctuary's education center on the Sanctuary program and whale biology. She noted that a number of people in the audience had no knowledge about the Sanctuary. She remarked that it is important to remember that there is a large transient population on the island and we need to continue promotion efforts.

SAC Survey Report

Dick Poirier had nothing to report at this time.

Water Quality Report

June Harrigan Lum stated that she is expecting to receive the actual data report in September and will have a sample TMDL document out soon. She will provide more information to interested individuals as she receives it. She also indicated that the study is currently focusing on the Maui area and noted that they need to address pollutants in streams before they can consider possible impacts on whale habitat.

One SAC member asked her to refresh them on the Water Quality Report contract based on the terms of study and the federal agreement. Dr. Harrigan Lum stated that the agreement was made between NOAA and the state for a two-year study. Funding is for \$95,000/year to study pollutant load caps in wet weather runoff. The eventual goal is to limit loads of pollutants and sediment and provide more nutrient control.

Carl Berg made a motion that the SAC invite Professor Ed Laws (principal researcher) to present his work at the next meeting, possibly focusing on its relation to whales and habitat concerns. Motion was carried; Dr. Harrigan Lum will invite Mr. Laws to present. *(Note: following the meeting, it was brought to the manager's attention that alternates are not authorized to vote on issues or call for motions when their representative is present.)*

Public Outreach Report

Liza Simon indicated that she has been devoting a lot of time to prioritizing activities at various staff meetings. Current projects include working on the site brochure and a smaller site flyer. She will also be attending a national public outreach meeting in Washington DC this coming week. Ms. Bernard inquired whether she would submit the site brochure for SAC review. Ms. Simon indicated that she would and the first draft copy will be ready in July.

Management Plan Review Presentation

Mr. Tom introduced Liz Moore, NOAA Special Project Manager from Washington DC. Ms. Moore updated the SAC on the management plan review process and indicated that there are three sanctuaries currently undergoing this process (Channel Islands, Grays Reef, and Stellwagen Bank).

A draft one-page process outline was distributed which identified NOAA's expectations and provided a rough timeline for document review and approval. Ms. Moore remarked that NOAA would like to keep the process simple and concise and does not intend to propose a new plan at this time. She also expressed that it is important to have SAC involvement in this process. Mr. Tom indicated that he would like to form a working group to help with the review process by holding meetings and providing guidance and possible contacts.

Dr. Walters also noted that the state is looking to institutionalize the partnership more by having NOAA and the state work together and be more productive. Bill Lennan remarked that he hopes the new Memorandum of Agreement (MOA) or management plan can be revised to indicate that the SAC is just as much the state's advisor as it is the Sanctuary's advisor. Dr. Walters indicated that the management plan review issue is on DLNR Director Tim John's radar screen but is not sure about the governor's awareness. He also reminded the group that 2002, the management plan review year, will be an election year.

Nationwide Update on SAC

Ms. Moore discussed the significance of the report developed by the National Academy of Public Administration titled "Protecting Our National Marine Sanctuaries" and noted that the Sanctuary program has recently been receiving significant national attention.

She noted that due to report findings and the importance it placed on advisory councils, a national workshop was held in May for all SAC Coordinators to coordinate efforts and address site concerns. The workshop identified various SAC successes and roles across the national system. She noted that the findings differed depending on the needs of each individual site. A workshop report based on this meeting is currently being developed for review and SAC members will have an opportunity to comment on the report. Ms. Moore also indicated that a meeting of SAC Chairs is under consideration to improve SAC communication and increase effectiveness.

New Business

Update on Navy Testing:

Ms. Bernard requested an update on the Navy testing project in the Maui fishpond. Mr. Tom acknowledged that the Navy approached Maui County to get approval for the project but was denied. However, he remarked that the issue is not dead and requested that the Conservation Committee evaluate the issue further. The SAC expressed concern that the Navy has not responded to their previous list of specific concerns regarding project impacts on whale habitat. Mr. Tom acknowledged that this issue will come up again and it is on the radar screen.

State Boat Discussion:

Dr. Walters requested that the issue be referred to as the "Sanctuary Boat" rather than the "State Boat" and apologized for his earlier remark stressing that the SAC is an *advisory* board. He acknowledged that SAC input and recommendations are important and will seriously affect Sanctuary and state decisions. Members of the SAC requested that Dr. Walters go over the vessel cost comparison he produced on renting vs. buying. Ms. Miller acknowledged that the Education Committee initiated discussion on the figures and had questions regarding what the boat would be used for (in terms of research and education).

Dr. Nachtigall stated that the issue was also discussed in the Research Committee and the acquisition of a vessel did not receive unanimous support.

Serious questions regarding the numbers arose and members of the SAC expressed doubt that the estimated operation and maintenance costs were accurate. Dr. Walters responded that the cost breakdown is based on 5 trips per month, 60 trips per year. He also noted that the Department of Aquatic Resources (DAR) has a facility to house the vessel which cuts down on costs. With regard to use, he suggested that it could be used by researchers and educators and could also have an emergency response value. He cited the Sustainable Seas Expedition as an example of how a Sanctuary vessel could have been taken advantage of, both to reduce costs and increase the program's presence on the water.

Ms. Beavers expressed surprise at the opposition to acquiring a vessel and questioned what the resistance stems from. She suggested that the SAC look at other sanctuaries to determine how they use their boats and what the costs are. Greg Kaufman called for a motion to send the issue back to the research and education committees for further discussion and reconsideration of vessel uses. Motion carried. Dr. Walters volunteered to make presentations to both committees and develop a more detailed plan.

Working Group Meeting Times:

Ms. Bernard stressed the importance of holding additional committee and working group meetings, whether it is through e-mail, HITS, or regular meetings. Ms. Miller informed the SAC that the Department of Education's HITS video conferencing system is no longer available to public groups so they need to look into other options.

In discussing the meeting schedule Mr. Tom notified the SAC there is money in the budget for one education meeting and one research meeting prior to the next SAC meeting in September. Ms. Bernard also stressed that regular e-mail correspondence is also important to facilitate communication within committees. Ms. Miller requested an updated list of members on the Education and Research committees. The list is as follows:

Education

Ron Bass
Sallie Beavers
Hannah Bernard
Bill Friedl
Walter Haas
Greg Kaufman
Bill Lennan
Patty Miller
Dick Poirier
Glenn Soma
Claud Sutcliffe
Allen Tom
Mike Tosatto
Jeff Walters

Research

Sallie Beavers
Carl Berg (alternate)
Hannah Bernard
Linda Bruckner (alternate)
Bill Friedl
Walter Haas
June Harrigan Lum
Greg Kaufman
Craig MacDonald
Paul Nachtigall
Dick Poirier
Claud Sutcliffe

Mr. Kaufman called for a motion that committees will meet sixty (60) days prior to each SAC meeting. Motion carried. Ms. Miller indicated that committee chairs will establish dates for their meetings and the SAC coordinator will schedule them.

Update on Budget Resolution:

Mr. Tom informed the SAC that the resolution developed at the last SAC meeting was signed by Jim Coon and will be taken back to Washington DC by Liz Moore.

Kilauea Point National Wildlife Refuge (KPNWR) Visitor Center:

Dr. Haas briefly discussed the controversial plans for developing a visitor center at KPNWR on Kaua'i. He noted that plans involved constructing a classroom on Crater Hill overlooking the refuge with funding assistance from the Sanctuary. Jean Souza expanded on the discussion citing the Sanctuary's contributions to and partnership with KPNWR. Carl Berg, Kaua'i county alternate and former member of Friends of Kilauea Point, expressed concern over the project, both due to the money involved and the impact it will have on the area. After a lengthy discussion, Greg Kaufman called for a motion that the topic be referred to the Education and Conservation committees for discussion and report their findings back to the SAC. Motion carried.

Formation of SAC Selection Subcommittee:

Ms. Bernard recognized Mr. Tom's earlier request to form subcommittee to review SAC member applications following the June 30 submittal deadline. Subcommittee to be composed of: Sallie Beavers, Bill Friedl, Walter Haas, Bill Lennan, Patty Miller, Paul Nachtigall, Dick Poirier and Claud Sutcliffe. New members will be selected by the end of July or early August.

Resolution to Waive Exhibitor Conference Fees for Hawai'i's Non-Governmental Organizations (NGO):

Mr. Kaufman proposed that the Sanctuary display local efforts related to marine debris at the upcoming conference and requested that Hawai'i groups be exempt from paying the \$400 fee. Mr. Tom stated that the Sanctuary lacks the money to do this and Ms. McIntosh suggested that the poster display might be a more affordable way to showcase local efforts. Craig MacDonald suggested that an alternative would be to have the Sanctuary sponsor a booth that lists Hawai'i's NGOs and collectively highlight what has been done for marine debris. Ms. Miller supported the idea and volunteered to sponsor the booth. She stressed that she will not put the display together but will fund it with Sanctuary money she is receiving for conference-related education activities.

Management Plan Review Subcommittee Formation:

Mr. Tom called for volunteers to assist with the management plan review. The subcommittee is composed of the following: Sallie Beavers, Jim Coon, Bill Friedl, Greg Kaufman, Craig MacDonald, Dick Poirier, Mike Stanton, Claud Sutcliffe, and Jeff Walters.

With no further business, the meeting was adjourned. **The next SAC meeting will be held on Thursday, September 7, 2000 at the Honolulu International Airport.**